

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

and

INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS LOCAL UNION 509

The Respondent's motion for reconsideration of the Board's Decision and Order reported at 368 NLRB No. 129 (2019) is denied. The Respondent has not identified any material error or demonstrated extraordinary circumstances warranting reconsideration under Section 102.48(c)(1) of the Board's Rules and Regulations.

NATIONAL LABOR RELATIONS BOARD

In *New Process Steel, L.P. v. NLRB*, 560 U.S. 674 (2010), the Supreme Court left undisturbed the Board’s practice of deciding cases with a two-member quorum when one of the panel members has recused himself. Under the Court’s reading of the Act, “the group quorum provision [of Sec. 3(b)] still operates to allow any panel to issue a decision by only two members if one member is disqualified.” *Id.* at 688; see also, e.g., *NLRB v. New Vista Nursing & Rehabilitation*, 870 F.3d 113, 127–128 (3d Cir. 2017); *D.R. Horton, Inc.*, 357 NLRB 2277, 2277 fn. 1 (2012), *enfd.* in relevant part 737 F.3d 344, 353 (5th Cir. 2013); *Somerset Valley Rehabilitation & Nursing Center*, 357 NLRB 1866, 1866 fn. 1 (2011), *enfd.* 725 Fed. Appx. 129, 136 fn. 7 (3d Cir. 2018).